



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 10 2015

George Padilla, Regional Environmental Scientist
Division of Environmental & Safety Management
Bureau of Indian Affairs – Navajo Regional Office
308 West Hill Street
Gallup, NM 87301

Via Certified Mail: 7005 2570 0001 6437 2137

Dear Mr. Padilla:

I am writing today to request information from the Bureau of Indian Affairs (BIA) regarding permitting and events leading up to and following the storage of sewage sludge in lagoons near the Wingate Elementary and High Schools (NPDES Permit No. NN0020958). Today's request for information is directed to you, as the Regional Environmental Scientist, pursuant to section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), which authorizes EPA to require persons subject to the Act to furnish information, conduct monitoring, provide entry to the Administrator or authorized representatives, and make reports as may be necessary to carry out the objectives of the CWA.

EPA seeks your responses to the questions listed in Attachment 1. Please read the instructions and questions in the attachment carefully before preparing your response. Your response to this Information Request must be postmarked within 30 days of receipt of this letter.

Please include the following certification signed by you, your responsible corporate officer, or duly authorized representative:

I certify under penalty of law that this submission was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of those who manage the system or are directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations under the Clean Water Act and 18 U.S.C. § 1001

Failure to comply with this Information Request can result in enforcement action for appropriate relief and penalties under section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Information Request does not relieve you of your obligation to comply with the CWA or other applicable laws and permits.

You cannot withhold from EPA what you may consider to be confidential business information. However, you have the discretion to assert, at the time of submission, a claim of business confidentiality for part or all of the requested information by following the requirements at 40 C.F.R. § 2.203(b). EPA

will not disclose any information covered by such a claim except as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of business confidentiality is received with your submission, EPA may make the information available to the public without further notice to you. All confidentiality claims are subject to EPA verification.

This Information Request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a "collection of information" under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Please submit your response to:


U.S. Environmental Protection Agency, Region 9
Enforcement Division, ENF-3-1
Attn: Adam Howell
75 Hawthorne St
San Francisco, CA 94105
Howell.Adam@epa.gov

With a copy to:

Navajo Nation Environmental Protection Agency
Surface Groundwater Protection Department
Attention: Patrick Antonio
P.O. Box 339
Window Rock, AZ 86515
PatrickAntonio@navajo-nsn.gov

Thank you for your cooperation and prompt attention to this matter. If you have questions, please contact Adam Howell of my staff at (415) 947-4248.

Sincerely,


for Claire Trombadore, Assistant Director
Water and Pesticides Branch
Enforcement Division

cc via email:

Genevieve Henry, Div. of Environmental & Safety Mgmt, BIA Navajo Regional Office
Barbara Hanson, Agency Facility Mgmt, BIA Eastern Navajo Agency
Emerson Eskeets, Chief, Division of Facilities Management & Construction, BIA
Helenes Henderson, Env. Tech, Branch of Facility Mgmt, BIE NM Navajo South Agency
Patrick Antonio, Surface Groundwater Protection Dept, Navajo Nation Env. Protection Agency

Under the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), the United States Environmental Protection Agency, Region 9 ("EPA") requires the Bureau of Indian Affairs to provide to EPA the information described below ("Request for Information").

INSTRUCTIONS

1. Separate Response for Separate Question. Provide a separate narrative answer to, and segregate responsive documents by, each question or its subpart. Precede each answer with the number of the corresponding question or its subpart.
2. Best Information Available. Respond to the best of your ability, even if written documents are not available. Explain any qualified response. If you do not have the responsive information but know the person from whom the information may be obtained, identify the person.
3. Document Submission. Whenever requested to provide documents, provide copies of all responsive documents in your possession, custody or control. If a responsive document was, but no longer is, in your possession, custody or control, explain what was done with it. If another person has possession, custody or control of the document, identify the person. If the document was disposed of, explain when and why it was disposed of and who disposed of it.
4. Use of Document in Place of Answer. If a document provides the complete answer to a question, you may use it in place of a written answer by supplying the document and appropriately identifying the applicable portion of the document as answering a specific numbered question.
5. Identification of a Person. Whenever requested to identify a person, state:
 - a. as to an individual: the individual's full name, title, contact information, and last known employer;
 - b. as to a corporation: its full name and contact information; and
 - c. as to a person other than an individual or a corporation: its official name, organizational form, and contact information.
6. Document Alteration or Deletion. Explain the reason and identify the person responsible for any deleted, altered or redacted portion of a submitted document.
7. Obligation to Correct. If you later discover that any submitted information is incorrect, submit a corrected response as soon as possible.
8. No Effect on Other Legal Obligations. This information request in no way alters or relieves you of other legal responsibilities or restrictions imposed on operations at the Site at the federal, state or local government level.

DEFINITIONS

The following terms shall have the following definitions for this Information Request:

1. "Document" means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts, agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.
2. "Person" means any entity, however denominated. The term includes, without limitation, any individual, firm, corporation, governmental entity, partnership, association, sole proprietorship, trust estate, board, and committee.
3. "Site" means the areas utilized by NTUA located at the Window Rock Wastewater Treatment Lagoon

INFORMATION REQUEST

1. National Pollutant Discharge Elimination System (NPDES) Permit No. NN0020958 expired on June 30, 2015. Is the facility still discharging or expected to discharge?
2. Does the BIA intend to submit an application for renewal of the NPDES permit the facility and, if so, when?
3. When was the last time Discharge Monitoring Reports (DMRs) were submitted to EPA for the facility?
4. Clearly, and as completely as possible, describe the circumstances surrounding the sludge that is currently being stored in lagoons near the Wingate High School. When was sludge first moved to this location? Where was it moved from?
5. Does the BIA intend to leave the sewage sludge in this location permanently?
6. If the answer to question 5 is no, then:

- a. What is the projected date of removal?
 - b. What use or disposal options is the BIA considering for the sludge?
 - c. When will the monitoring necessary for demonstrating that the sewage sludge meets the requirements for any of these use or disposal practices be performed?
 - d. Please submit a sampling plan for the monitoring to be performed and any monitoring results collected to date.
7. If the answer to question 5 is yes, then:
 - a. Is this an active sewage sludge surface disposal site that will receive more sewage sludge in the future?
8. If the answer to question 7a is no, then 40 CFR 503.22c requires submittal of a closure plan for the sewage sludge, with a description of how public access will be restricted for 3 years following closure. Please provide this closer plan.
9. If the answer to question 4a is yes:
 - a. please describe how the management practice requirements for an active sewage sludge unit in 40 CFR 503.24 are being met, or what actions will be taken to meet these requirements:
 - b. Is there run-off from the unit and, if so, how is it controlled?
 - c. How is access by the public and grazing animals restricted?
 - d. Has a qualified groundwater scientist determined that there is no potential for contamination of an aquifer? If not, has a groundwater monitoring program been developed?
10. Please provide results of any monitoring of the sludge for the three pollutants regulated under the surface disposal requirements in 40 CFR 503.23, arsenic, chromium, and nickel, using the methods for total metals in SW-846 and with results reported on a 100% dry weight basis. If no monitoring for total metals has been performed, please submit a sampling plan for monitoring this site for these pollutants.
11. Please provide a description of how the pathogen reduction and vector attraction requirements in 503.25 are being met, or how BIA plans to demonstrate pathogen and vector attraction reduction.